

CR-2532-2019 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CR-2532-2019 (O&M)
Date of decision : 12.04.2019**

Gurjant Singh

... Petitioner

Versus

Hardeep Kaur

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Ms. Sukhpreet Kaur Grewal, Advocate
for the petitioner.

AMIT RAWAL, J. (ORAL)

The present revision petition is directed against the impugned order dated 11.02.2019 (Annexure P-7), whereby in a divorce petition filed by the respondent-wife, an application for maintenance pendente lite, by awarding maintenance of ₹12,000/-, has been allowed.

Learned counsel for the petitioner-husband submitted that the respondent-wife had already left the matrimonial home of the petitioner and living with some other man. In this regard, draws the attention of this Court to the photographs (Annexure P-4). The amount of maintenance pendente lite to the tune of ₹12,000/- is on higher side as the petitioner-husband is working as Constable in the Punjab Police. The respondent-wife is in adultery, therefore, not entitled to single penny as maintenance.

I am afraid the aforementioned argument is not sustainable in the eyes of law as the alleged factum of adultery is yet to be proved on

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record particularly when the divorce petition has been filed by the wife/respondent. The assessment of the maintenance pendente lite, aforementioned is on the basis of the salary of the petitioner and it cannot be said to be on the higher side as the litigation expenses is confined to ₹8,000/-.

Keeping in view the aforementioned facts, the impugned order, under challenge, cannot be said to be suffering from illegality and infirmity. No ground is made out for interference. Resultantly, the present revision petition is dismissed.

12.04.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**